

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**DeANGELO SANDERS,
No. 06788-025,**

Petitioner,

vs.

Case No. 16-cv-1249-DRH

T. WERLICH,

Respondent.

ORDER – NOTICE OF IMPENDING DISMISSAL

HERNDON, District Judge:

This matter is before the Court for case management. Petitioner brought this habeas corpus action pursuant to 28 U.S.C. § 2241 while he was incarcerated at the FCI-Greenville, Illinois, to challenge the constitutionality of his confinement. He was recently transferred to the FCI-Terre Haute, Indiana. (Doc. 5). Nonetheless, this Court retains jurisdiction to consider the Petition, because it was properly filed here during Petitioner's confinement in this District. *See Morales v. Bezy*, 499 F.3d 668, 670 (7th Cir. 2007) (discussing *Rumsfeld v. Padilla*, 542 U.S. 426, 442-43 (2004)). If the custodian is within the jurisdiction of the court at the time the petition is filed, a later transfer of the prisoner to a different location does not defeat personal jurisdiction that was proper as of the filing of the case. *Ahrens v. Clark*, 335 U.S. 188, 193 (1948), overruled on other grounds by *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 499-500 (1973).

It has come to the attention of the Court that Petitioner has failed to pay the filing fee for this action, despite being ordered to do so. His motion for leave to proceed *in forma pauperis* (Doc. 2) was denied on November 22, 2016, because he had received sufficient funds over the previous six months to pay the \$5.00 filing fee. (Doc. 4). Petitioner was ordered to pay the fee within 30 days. His deadline fell on December 22, 2016. *Id.* That deadline is long past, but Petitioner has not paid the fee.

Failure to follow an order of the Court is grounds for dismissal of the action. FED. R. CIV. P. 41(b). Before dismissing this case, however, the Court shall allow Petitioner one final chance to comply.

IT IS THEREFORE ORDERED that Petitioner shall pay the \$5.00 filing fee for this action within 14 days of the date of entry of this Order (on or before March 21, 2017). Failure to comply with this Order **will result in dismissal** of this action for want of prosecution, and for failure to comply with a Court order, under Federal Rule of Civil Procedure 41(b).

IT IS SO ORDERED.

Dated: March 7, 2017

Digitally signed by
Judge David R.
Herndon
Date: 2017.03.07
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United States District Judge